

## PCT

WIPO

PCT



INTERNATIONAL PRELIMINARY EXAMINATION REPORT  
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference BIF023214/LK	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEAA416)	
International application No. PCT/IB 03/04659	International filing date (day/month/year) 24.09.2003 ✓	Priority date (day/month/year) 26.09.2002 ✓
International Patent Classification (IPC) or both national classification and IPC B01D35/30		
Applicant MILLIPORE CORPORATION et al. ✓		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 17.03.2004 ✓	Date of completion of this report 07.01.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office - Gitschiner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840	Authorized Officer Cubas Alcaraz, J Telephone No. +49 30 25901-324 

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/B 03/04659**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-17 as originally filed

**Claims, Numbers**

1-28 as originally filed

**Drawings, Sheets**

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

**BEST AVAILABLE COPY**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/B 03/04659**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-28
	No: Claims	
Inventive step (IS)	Yes: Claims	1-28
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-28
	No: Claims	

2. Citations and explanations

**see separate sheet**

**BEST AVAILABLE COPY**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Reference is made to the following documents:

D1: US-A-2002079695

2. The document D1, considered to represent the closest prior art, discloses (paragraphs 21-25; figures 1, 2, 3a and 3b) a fluid treatment system (reference 2 in the figures) and means (reference 3) for feeding the the assembly with fluid to be treated, including a support structure (reference 5). The assembly is removably mounted. The system comprises connectors for the fluid (reference 21) to establish a flow of the fluid throught the treatment system. The system is provided with cooperating surfaces (reference 32) in treatment assembly and support to immobilize the treatment assembly when mounted. The treatment assembly has to be removed by sliding and tilting.

The difference between the subject-matter of claim 1 and the device described in D1 is that the cooperating surfaces in the latter mentioned device only immobilize the treatment assembly in the support. A further (vertical) movement and securing means are required for immobilizing the connectors of assembly and fluid feeding system. The fluid treatment assembly in the device of D1 cannot be released by a movement limited to tilting. Thus, the subject-matter of claim 1 is new (Article 33(1)(2) PCT).

Similar reasoning applies, mutatis mutandi, to the independent claims 16 and 21.

3. The device described in D1 requires only one support, and not as in D1 two elements to immobilize the fluid treatment cartridge. Both, installation and release of the cartridge is simple because only a tilting movement is required. Thus, the subject-matter of claim 1 involves an inventive step (Article 33(1)(3) PCT).

Similar reasoning applies to the independent claims 16 and 23.

4. Dependent claims 2-15, 17-20 and 22-28 add further features features to the independent claims 1, 16 and 21, and refer therefore to new and inventive subject-matter (Article 33(1)(2)(3) PCT).

**BEST AVAILABLE COPY**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB 03/04659

5. The subject-matter of claims 1, 16 and 21 does not meet the requirements of Article 6 PCT with respect to clarity. Those claims attempt to define the invention by a result to be achieved, considering the statements "...allow the treatment assembly to be released by applying to it an action limited to tilting..." in claim 1, "...and arranged so...and also to be released by exerting thereon an action limited to tilting..." in claim 16 and "...conformed and adapted....and to release the treatment assembly by exerting thereon an action limited to tilting..." in claim 21. The definition of the means required for achieving such an effect is an essential feature of the invention not present in claim 1, rendering the claim unclear.

6. Certain published documents

Application No Patent No	Publication date (day/month/year)	Filing date (day/month/year)	Priority date ( <i>valid claim</i> ) (day/month/year)
WO-A-03031020	14.04.2003	14.10.2002	12-10-2001
WO-A03022388	20.03.2003	13.09.2002	13.09.2001

**BEST AVAILABLE COPY**